

mentioned above, as well as a most painstaking survey conducted by Professor Cornelius Beck, of the University of Washington School of Law, refute this supposition. The effect of comparative negligence on insurance rates has been minimal. I would also point out that the Iowa experience, which had pure comparative negligence, and then a modified comparative negligence system, has lower insurance rates than in Nebraska. And then, finally, talk to your business constituents. Have their insurance rates gone down or not risen extensively in the last three years, four years, because we have slight gross? I think the answer is no, their insurance rates have gone up significantly. The answer is there is no evidence at all concrete that insurance rates are affected one way or the other, whether or not Nebraska has comparative negligence. Thank you.

PRESIDENT: Thank you. Senator Haberman, please, followed by Senator Conway.

SENATOR HABERMAN: Mr. President, members of the body, I would like to ask some questions of Senator Ashford, please.

PRESIDENT: Senator Ashford, please, would you respond.

SENATOR HABERMAN: Senator Ashford, I'm going to try to phrase these questions so we can save some time, so that you can give a yes or no. My first question is, you have stated or eluded to that the purpose of LB 159 was to make the tort system in Nebraska a fairer system, did you not?

SENATOR ASHFORD: That's the reason for bringing it, yes.

SENATOR HABERMAN: Yes. Then let me ask you this, under the proposed system, if you had a person suing three defendants...

SENATOR ASHFORD: Yes.

SENATOR HABERMAN: ...the jury would allocate the percentage of fault between all four people. Is that right?

SENATOR ASHFORD: That's correct.

SENATOR HABERMAN: So, suppose the jury found that the plaintiff was 40 percent negligent and each of the three defendants were 20 percent negligent, the plaintiff would recover. Is that right?